

**REMARKS**

Reconsideration is respectfully requested.

Claims 1 through 12, 33 through 35, 37 through 39, and 42 through 43 remain in this application. Claims 13 through 32, 36, and 40 through 41 have been cancelled. No claims have been withdrawn or added.

In part 1 of the Office Action, claims 1 through 6, 33 through 35, 37 through 39 and 42 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Landy et al. (US 4,600,013 A) in view of Miller et al. (US 5,579,774 A) and further in view of Magram (US 5,913,852 A).

In part 2 of the Office Action, claims 7 through 9 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Landy et al. (US 4,600,013 A) in view of Miller et al. (US 5,579,774 A) and further in view of Magram (US 5,913,852 A), as applied to Claims 1 through 6 above, further in view of Knute et al (US 4,903,707 A).

In part 3 of the Office Action, claim 10 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Landy et al. (US 4,600,013 A) in view of Miller et al. (US 5,579,774 A) and further in view of Magram (US 5,913,852 A), as applied to Claims 1 through 6 above, further in view of Lake (US 3,766,910 A).

In part 4 of the Office Action, claim 11 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Landy et al. (US 4,600,013 A) in view of Miller et al. (US 5,579,774 A) and further in view of Magram (US 5,913,852 A), as applied to Claims 1 through 6 above, further in view of Baudino (US 6,110,155 A).

In part 5 of the Office Action, claim 12 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Landy et al. (US 4,600,013 A) in view of Miller et al. (US 5,579,774 A) and further in view of Magram (US 5,913,852 A), and further in view of Baudino (US 6,110,155 A), as applied to claim 11 above, further in view of McNeil et al. (US 4,828,546 A).

In part 6 of the Office Action, claim 43 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Landy et al. (US 4,600,013 A) in view of Miller et al. (US 5,579,774 A) and further in view of Magram (US 5,913,852 A), as applied to Claims 1 through 6 above, further in view Knute et al. (US 4,903,155 A), further in view of Lake (US 3,766,910 A), further in view of Baudino (US 6,110,155 A) and further in view of McNeil et al. (US 4,828,546 A).

It is alleged in the Office Action that "Magram's sealing ridges provide a generalized teaching of how to attach a conduit to a connector portion of a tubular portion wherein in a fluid-tight connection is desired" and "Landy's heavy plastic tube (51) requires some type of sealing means so as to prevent any leakage at the connection site which could undesirably result in inaccurate measurements". However, merely because the Landy device might need some type of means for connecting the tube 51 to the T-connector 50, does not necessarily mean that a "sealing means" is necessarily required therebetween, as these parts could be integrally formed or molded of a single piece of material so that no need for a "seal" is required. More importantly, even if some type of seal is required between the tube 51 and the T-connector 50, that does not necessarily means that one of ordinary skill in the art recognizes that any and all means of creating a seal is suitable for use with the "low compliance, relatively heavy plastic tube" that forms the tube 51. As noted previously, one of ordinary skill in the art considering the teaching of Landy understands that the low compliance plastic tube described in Landy is necessary to avoid expansion

in the circumference of the wall of the tube 51 to avoid "inaccurate measurements" in the pressure readings made by the pressure transducer 54. In fact, any significant compliance, or flexibility, in the wall of the tube 51 presents a much greater potential possibility for causing inaccurate pressure measurements than the point of connection between the tube 51 and the T-connector 50. As also noted previously, one of ordinary skill in the art would recognize that the ridges 27 of Magram require a significant degree of compliance in the wall of the tube to be able to slide the wall of the tube over the ridges 27. One of ordinary skill in the art would understand that, given the emphasis that Landy places on the low compliance nature of the heavy plastic tube 51 in the Landy apparatus, the ridges of Magram would not be suitable since the Magram ridges inherently require high compliance in the wall of a tube. It is therefore submitted that one of ordinary skill in the art, considering the teaching of Landy, would not look to the ridges of Magram as a suitable structure for connecting the tube 51 of Landy to the T-connector 50 of Landy because one would understand the practical incompatibility of the low compliance, heavy plastic tube of Landy and the ridges of Magram.

It is further alleged in the Office Action that "Miller et al.'s lateral extensions provide a desired surface for the application of torque by hand, which would obviate the need for an additional tool (i.e., the screwdriver (46))" However, Miller does not suggest to one of ordinary skill in the art that the winged handles are useful for or intended to replace a tool such as the wrench 46 of Landy, and it is again noted that it is Landy (not the applicant) that expresses concern about too much structure being exposed above the scalp of the patient (see Landy col. 1, lines 60 through 63). Landy employs a wrench 46 that is removable after use, and thus can employ radially-extending handles 48 that can be longer than would be practical if the handles were integrated with the shaft 11, therefore making the turning of the shaft 11 easier and permitting the handles to be completely removed

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from the shaft 11. Shortening the length of the winged handles of Miller, as suggested in the Office Action, permits the user to apply less and less torque to the shaft 11, especially if the winged handles are covered with fluids or blood present at the wound site.

It is the applicant's contention that, one of ordinary skill in the art who considers the teaching of Landy without the benefit of the applicant's disclosure, would not be motivated to make the choices and modifications set forth in the Office Action. Although one may be able to come up with various reasons why the modifications might be made, the reasons cannot simply ignore the practical knowledge of those skilled in the art and the concerns expressed by Landy.

It is therefore submitted that the cited references, and especially the allegedly obvious combinations of Landy et al., Magram, Miller, Knute et al., Lake, Baudino and McNeil et al. set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by the claims.

Withdrawal of the §103(a) rejections of claims 1 through 6, 33 through 35, 37 through 39 and 42 is therefore respectfully requested.

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**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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By 

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